

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Advisory board" is the state advisory board of plumbers.

"Audit" means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"Backflow assembly" or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the Uniform Plumbing Code (~~((that is))~~) used to prevent the (~~((undesirable))~~) undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Continuing education" is approved plumbing and electrical courses for journeyman and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, specialty residential plumbers and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"Continuity affidavit" is a form developed by the department that is used to verify whether medical gas pipe installation work has been performed. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer.

"Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is

registered as a contractor under chapter 18.27 RCW.

"Dispatcher" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"Department" is the department of labor and industries.

"Director" is the director of the department of labor and industries.

"Journeyman plumber" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"Medical gas piping installer" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"Medical gas piping systems" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air and medical vacuum systems.

"Plumbing" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

~~(("Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW and these rules by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and these rules and is registered as a contractor under chapter 18.27 RCW.))~~

"Records" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"Specialty plumber" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"Supervision" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound

of the individual who is being trained.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-020 How do I obtain a certificate of competency? You can obtain a certificate of competency by completing the following requirements for:

(1) Journeyman and specialty plumber certificate (excluding backflow assembly maintenance and repair specialty certification):

(a) Submitting a competency examination application to the department;

(b) Paying the examination fee shown in WAC 296-400A-045(1);

(c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121; ~~((and))~~

(d) Passing the competency examination; and

(e) Providing documentation to the department with continuing education requirements.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Paying the application and certificate fee shown in WAC 296-400A-045(2); and

(c) ~~((Submitting the required evidence of competency to the department as required by WAC 296-400A-122; and~~

~~(d)))~~ Passing the competency examination.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? (*Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.*)

You can obtain a medical gas piping installer endorsement by completing the following requirements:

- (1) Submit an application to the department; and
- (2) Pay the examination application fee shown in WAC 296-400A-045; and
- (3) Submit the required evidence of approved training to the department; and
- (4) Pass the written and practical competency examination; *and
- (5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

At the effective date of these medical gas piping installer rules, you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination, if you hold a current medical gas piping installers certificate issued by a department recognized training course provider (~~((you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination))~~). This opportunity to obtain your endorsement without taking the examination will expire one year from the effective date of these medical gas piping installer rules.

*The written and practical competency examination is performed under contract with a nationally recognized testing agency. The results of the competency examination will be forwarded to the department for processing.

NEW SECTION

WAC 296-400A-023 What process is required for renewal of journeyman and residential specialty plumber certificates of competency? (1) An individual must apply for renewal of their plumbing certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(2) An individual may renew their certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-400A-045.

(3) All applications for renewal received more than ninety days after the expiration date of the plumbing certificate require that the plumber pass the appropriate competency examination before being recertified.

(4) All applicants for plumbing certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in chapter 296-400A WAC.

If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing certificate, the individual's plumbing certificate may be suspended or revoked.

(5) A journeyman or residential specialty plumber certificate holder who has not completed the required hours of continuing education prior to the renewal date must pay a doubled fee according to RCW 18.106.070. Also, if the required hours of continuing education are not completed within ninety days after the expiration date the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(6) An individual may renew a suspended plumbing certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(7) An individual may not renew a revoked plumbing certificate.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-026 What training course approval procedures for medical gas will the department follow? (1) The department will review and approve courses submitted by training course providers that offer medical gas piping systems training. Course approvals will be decided in consultation with the state advisory board of plumbers.

(2) All providers seeking course approval, must submit the required information (see subsection (5) of this section) to the department at least thirty days before a regularly scheduled advisory board meeting. **No course can be offered as meeting the requirements of a medical gas endorsement until it has been approved.**

(3) All material required for approval will be reviewed without testimony and the review will be based solely upon the information submitted. Once reviewed, the department has five working days to give a provider written notification of acceptance or rejection. In the case of rejection, the department must specify its reasons.

(4) If a provider has a course rejected, it may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position, which was not included with the original approval request, must be submitted to the board at least twenty days before the meeting at which the hearing will be held.

At the hearing, the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(5) Specific course approval criteria:

(a) All training courses must conform to and be based upon current standards and requirements governing the installation of medical gas piping systems.

(b) All course approval requests must include:

(i) A general description of the course((-)) including its scope, the instructional materials to be used and the instructional methods to be followed; and

(ii) A copy of the complete medical gas piping installer training curriculum; and

(iii) A detailed course outline; and

(iv) The name and qualifications of the course instructor(s); and

(v) The locations where the course will be taught; and

(vi) The days and hours the course will be offered; and

(vii) The specific fees associated with the course, as well as, the total cost of the course.

(c) All fees for approved training courses must be reasonable and in line with fees charged for other comparable code based training courses.

(6) Training courses are approved for a three-year period.

(7) A provider, whose courses are approved, must give the department literature describing the courses so the department can ((disseminate)) share this information to prospective applicants.

(8) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(9) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it must give the provider written notification of the withdrawal((¬)) specifying the reasons for its decision. If the department withdraws its approval of a training course((¬)) the provider may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position must be submitted to the board at least twenty days before the meeting at which the hearing will be held. At the hearing((¬)) the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

NEW SECTION

WAC 296-400A-028 What are the requirements for continuing education and classroom training?

What are the general and continuing education course requirements for journeyman, residential specialty plumbers and plumber trainees?

(1) Journeyman, residential plumber and plumber trainee.

(a) To be eligible for renewal of a journeyman plumber or

residential specialty plumber certificate, the individual must have completed at least sixteen hours of approved continuing education for each two years of the prior certification period. Individuals will be required in the prior two-year period to have completed at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(b) Plumber trainees must complete at least eight hours per year of classroom training from an approved continuing education course for each year of the prior certification period. Trainee will be required during a two-year period to complete at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(c) Any portion of a year of a prior plumber certification period is equal to one year for the purposes of the required continuing education.

(2) An individual will not be given credit for the same approved continuing education course taken more than once in the two years prior to the renewal date. No credit will be granted for any course not approved by the department.

(3) Continuing education requirements do not apply to backflow specialty plumbers under chapter 18.106 RCW and this chapter.

Approval process - continuing education course.

(4) The advisory board of plumbers or plumbing board subcommittee will review each continuing education course. The advisory board of plumbers or plumbing board subcommittee will recommend approval or disapproval to the department. The department will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than two hours of instruction and must be open to monitoring by a representative of the department and/or the plumbing board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the *Uniform Plumbing Code and National Electrical Code*;

(b) Chapters 18.106 or 19.28 RCW or chapters 296-400A or 296-46B WAC; or

(c) Materials and methods as they pertain to the industrial practices of plumbing or electrical construction, building management systems, plumbing or electrical maintenance, or

workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted Uniform Plumbing Code or National Electrical Code.

Application - for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The plumbing board and the department will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

- (a) The appropriate course application fee;
- (b) Course title, number of classroom instruction hours, and whether the training is open to the public;
- (c) Sponsor's name, address, contact's name and phone number;
- (d) Course outline (general description of the training, including specific Uniform Plumbing Code or National Electrical Code articles referenced);
- (e) Lists of resources (texts, references, visual aids);
- (f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;
- (g) Any additional documentation to be considered; and
- (h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full plumbing board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at

least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the *Uniform Plumbing Code* or *National Electrical Code* is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the plumbing board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the plumbing board subcommittee cannot be used to meet the plumbing certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

- (a) Name of course sponsor;
- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - out-of-state training course attendance/completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-030 Do I need a temporary permit? You need a temporary permit if you are an active out-of-state journeyman plumber or a residential specialty plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington(~~(, you need a temporary permit)~~). Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty(~~(. Thus)~~) Therefore, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-031 How do I qualify for a temporary permit?

To qualify for a temporary permit, you must:

(1) Have an active state-issued journeyman plumbers or a residential specialty plumber certificate;

(2) Give the department sufficient qualifying evidence for a journeyman plumber or a residential specialty plumber certificate of competency;

(3) Never have taken the journeyman or a residential specialty plumber competency examination in Washington state; and

(4) Not be an apprentice plumber.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-035 How can I be placed on inactive status?

To be placed on inactive status, you must meet these three requirements:

(1) You must currently be a (~~currently~~) certified plumber;

(2) Have your inactive status request submitted and approved by the department prior to the expiration date of your plumbing certificate; and

(3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the annual certificate renewal fee. If you have been in inactive status for less than five years, you may return to active status, without reexamination, by paying the reinstatement fee shown in WAC 296-400A-045. If you have been in inactive status for five or more years, you are required to reapply and pass the competency examination pursuant to WAC 296-400A-020 and pay the appropriate fees shown in WAC 296-400A-045.

(4) Required to meet a minimum of sixteen hours continuing education with four of the hours being in electrical training before being reinstated.

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
Examination application	Per examination	\$((411.80)) <u>115.30</u>
((*))Reciprocity application *	Per application	\$((411.80)) <u>115.30</u>
Trainee certificate **	One year	\$((33.50)) <u>34.50</u>
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	90 days	\$((55.70)) <u>57.40</u>
Journeyman or residential specialty certificate ***	Two years (fee may be prorated based on months)	\$((89.60)) <u>92.40</u>
Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	\$((61.90)) <u>63.80</u>
Medical gas endorsement examination application	Per application	\$((41.30)) <u>42.60</u>
Medical gas endorsement ***	One year	\$((30.90)) <u>31.80</u>
((Medical gas endorsement	Less than one year	\$2.50 per month with a minimum fee of \$18.00))
Medical gas endorsement examination fee ****		See note below.
Medical gas endorsement training course fee *****		See note below.
Reinstatement fee for residential and journeyman certificates		\$((179.20)) <u>184.90</u>
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$((103.20)) <u>106.50</u>
Replacement fee for all certificates		\$((15.40)) <u>15.80</u>
<u>Refund processing fee</u>		<u>\$25.00</u>
<u>Unsupervised trainee endorsement</u>		<u>\$25.00</u>
<u>Inactive status fee</u>		<u>\$25.00</u>
<u>Certified letter fee</u>		<u>\$25.00</u>
<u>Continuing education new course fee *****</u>		<u>\$150.00</u>
<u>Continuing education renewal course fee *****</u>		<u>\$75.00</u>

- * Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) ~~((that))~~ with which the department has a reciprocity agreement ~~((with))~~.
- ** The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration.
- *** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date. The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.
- **** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**
- ***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**
- ***** ~~((If more than 90 days the applicant must reapply and pay the applicable fees.))~~ This fee is for a three-year period or code cycle.

(2) If your birth year is:

- (a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.
- (b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-120 What do I need to know about plumber trainee certificates (excluding backflow assembly maintenance and repair specialty certification)? (1) **Journeyman and specialty plumber trainee certification** ~~((excluding backflow assembly maintenance and repair specialty certification))~~:

(a) The department issues separate trainee certificates ~~((according to the following schedule:~~

Certificate Year	Hours Employed As Plumber Trainee
First	Less than 2,000 hours
Second	More than 1,999 hours but less than 4,000 hours
Third	More than 3,999 hours but less than 6,000 hours
Fourth	More than 5,999 hours

~~((b) You may apply for the next year's trainee certificate whenever you have the required documented work hours.~~

~~((c))~~ once a year.

(b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for one year.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Provide accurate evidence on the renewal form that

the individual has completed the continuing education requirements described in chapter 296-400A WAC.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education cannot renew a trainee certificate.

(f) Individuals will not be able to apply to test for journeyman or specialty residential plumber certificates until the continuing education requirements have been met.

(g) If continuing education hours have not been met, trainee certificates will become expired and any experience obtained by the trainee in expired status will not be credited toward plumbing certificate application.

(h) An individual may renew an expired certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in an expired status for the duration of the expired period.

(i) An individual may not renew a revoked trainee certificate.

(j) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate.

(k) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

~~((d))~~ (l) A certified residential specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

~~((e))~~ (m) On a job site, the ratio of certified plumbers to noncertified plumbers must be:

(i) One residential specialty plumber or journeyman working on a ~~((specialty)) residential plumbing job site~~ may supervise no more than two trainees.

(ii) One journeyman plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate.

~~((f))~~ (n) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with

an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

(2) (~~((Backflow assembly maintenance and repair specialty certification. A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or specialty plumber for a minimum of one hundred percent of the time spent performing maintenance and repair work to backflow assemblies located within a residential or commercial building or structure.))~~ **Trainee work hours.** Trainees shall renew the certificate annually but not more than ninety days before the expiration date.

(a) An annual fee shall be charged for the issuance or renewal of the certificate.

(b) The trainee will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(c) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(3) At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(a) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(b) The correct plumbing category the individual worked in; and

(c) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journeyman plumber or residential specialty plumber.

(4) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.

(5) If hours for previous period are not submitted within the thirty days after renewing a plumbing training certificate, the individual may not receive credit for these previous period hours.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)? (1) If you possess a trainee certificate:

(a) You may take the residential specialty plumber examination after completing 6,000 hours of documented training.

(b) You may take the journeyman examination after completing 8,000 hours of documented training which must include 4,000 hours of commercial plumbing experience.

(2) All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed ~~((7,500))~~ 8,000 hours of training. ~~((After completing the 7,500 supervised hours, a trainee may work without direct supervision until they complete 8,000 hours. (See RCW 18.106.070(3).)))~~

When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.

(3) To be eligible for the residential specialty plumber's examination, a residential specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any residential specialty trainee who has failed the residential specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.

(4) ~~((Any applicant (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months.))~~ Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.

(5) **Apprentice/trade school endorsement requirements.** An individual who has a current journeyman or residential specialty plumber trainee certificate and who has successfully completed

or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. In order to work without direct on-site supervision applicable to the type (residential or journeyman) of training hours for which certification is being sought by the individual. This individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees. This individual may work without direct on-site supervision until he or she receives the remaining hours required to be eligible to take the applicable examination. This individual may not supervise trainees. (See RCW 18.106.070.)

(6) **Any applicant** (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements? (1) A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work ~~((that))~~ who is not a certified plumber ~~((provided))~~. The individual must work ~~((s))~~ under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or residential specialty plumber for a minimum of one hundred percent of each working day while the backflow assembly maintenance and repair work is being performed.

(2) Each applicant for a backflow assembly maintenance and repair specialty certificate must furnish written evidence that he or she has a valid backflow assembly tester certification administered and enforced by the department of health.

(3) **Any applicant** who fails an examination ~~((r))~~ will be required to wait at least ~~((one month before retaking the examination. If an applicant fails the second attempt, the~~

~~waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months)) until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. In the event of a holiday, the examination will be held on the second Thursday of the month. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled examination date.~~

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? (1) All required applications and annual statements of employment hours are made under oath. Making false statements and/or material misrepresentations carry serious consequences. Any person who knowingly makes a false statement or material misrepresentation on an application, an affidavit of experience or a trainee certificate may have their certificate suspended, revoked, and/or be referred to the county prosecutor for criminal prosecution. In addition, the department may ~~((subtract a maximum of 2,000 employment hours from a trainee's acceptable total hours))~~ issue an infraction for a violation of this chapter.

~~(2) ((The department's decisions, under this section, can be appealed to the advisory board. The appeal hearing will be conducted according to the appropriate provisions of chapter 34.05 RCW.~~

~~(3))~~ The annual statements of employment described in subsection (1) of this section do not apply to the backflow assembly maintenance and repair specialty certification.

NEW SECTION

WAC 296-400A-135 How does the department enforce trainee supervision? (1) A journeyman plumber on each and every commercial job site shall supervise either a residential specialty plumber with a current plumber trainee card or trainee with a current plumber trainee card.

(a) The ratio on each commercial site shall be not more than one residential plumber or one plumber trainee working on any one job site for every certified journeyman plumber working as a journeyman plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(2) A journeyman plumber or residential specialty plumber on each and every residential specialty job site shall supervise a plumber trainee with a current plumber trainee card.

(a) The ratio on each residential specialty job site shall be not more than two trainees with current plumber trainee cards on any one residential specialty job site for every certified journeyman plumber or residential specialty plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(3) A journeyman plumber with current medical gas endorsement may supervise either a residential specialty plumber with a current trainee card or a plumber trainee with a current trainee card.

(a) The residential specialty plumber or the plumber trainee has to have successfully completed or is currently enrolled in an approved medical gas piping installer training course approved by the department.

(b) The residential specialty plumber or other plumber trainee is under the direct supervision of a certified medical gas journeyman plumber on one-to-one ratio for one hundred percent of the time on each and every medical gas site.

(4) A backflow specialty plumber, a journeyman plumber or a residential specialty plumber shall supervise a backflow trainee to do maintenance and repair work on every backflow assembly on potable water systems, inside every commercial or residential building. The ratio shall be one-to-one for one hundred percent of the time on every job site.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by an authorized representative of the department (~~((compliance inspectors))~~). The ~~((inspector))~~ representative must determine whether:

(1) Each person doing plumbing work has a proper

certificate on their person; and

(2) The ratio of certified specialty and/or journeyman plumbers to certified trainees is correct; and

(3) Each certified trainee is directly supervised by either a certified specialty plumber or a certified journeyman; and

(4) Persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification.

(5) Persons who are certified as backflow assembly maintenance and repair specialties must have an active backflow assembly tester certification from the department of health.

NEW SECTION

WAC 296-400A-150 May the department audit the records of a contractor? Yes, for any reason such as: Dispatching, ratio, supervision, excessive hours, and certification. The department may audit the records of contractors as authorized under RCW 18.106.320 when the department has reason to believe that a violation of the plumbing certification laws has occurred.

NEW SECTION

WAC 296-400A-155 Audit of trainee hours. (1) The department, under RCW 18.106.320, may audit the employment records of the plumbing contractor or employer who verified the plumbing trainee hours.

(2) Every contractor must keep a record of trainee employment so the department may obtain the necessary information to verify plumbing trainee work experience.

(a) The contractor must keep the records of jobs performed for a least five years.

(b) Upon request, these records must be made available to the department for inspection within seven business days.

(3) The contractor must maintain time cards or similar records to verify:

(a) The number of hours the trainee worked as a supervised trainee by category.

(b) The type of plumbing work the trainee performed (e.g., commercial or residential).

(4) Any information obtained from the trainee's contractor or employer during the audit under the provisions of RCW

18.106.320 is confidential and is not open to public inspection under chapter 42.17 RCW.

(5) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours the trainee worked, and the category of plumbing work performed; and

(b) An audit covering a specific time period and examination of a contractor's or employer's books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? (1) If ((a ~~compliance inspector~~)) an authorized representative of the department determines that an individual has violated plumber certification requirements, including medical gas piping installer endorsement requirements, the department must issue a notice of infraction describing the reasons for the infraction.

(2) For plumber certification violations, the department may issue a notice of infraction to either:

(a) An individual who is plumbing without a current plumber certificate; or

(b) The employer of the individual who is plumbing without a current plumber certificate; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is plumbing without a current plumber certificate.

(3) For medical gas piping installer endorsement violations, the department may issue a notice of infraction to either:

(a) An individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(b) The employer of the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is installing medical gas piping systems without a current plumber certificate and a

current medical gas piping installer endorsement.

(4) The department may issue an infraction to a contractor advertising or performing work under this chapter or chapter 18.27 RCW who is not properly registered under chapter 18.27 RCW.

(5) An individual may appeal a notice of infraction by complying with the appropriate provisions of RCW 18.106.220.

~~((5))~~ (6) If good cause is shown, an administrative law judge may waive, reduce or suspend any monetary penalties resulting from the infraction.

~~((6))~~ (7) Any monetary penalties collected under this chapter, must be deposited in the plumbing certificate fund.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-400 What are the monetary penalties for violating certification requirements? (1) A person cited for an infraction under RCW 18.106.020 ~~((3)(a), (b) or (c) must))~~ or 18.106.320 shall be assessed a monetary penalty based upon the following schedule:

(a) Individual

First Infraction	\$250.00
Second Infraction	\$500.00
Third Infraction	\$750.00
Fourth Infraction <u>and each additional violation</u>	Not more than \$1,000.00

(b) Contractor or Dispatcher

<u>First Infraction</u>	<u>\$250.00</u>
<u>Second Infraction</u>	<u>\$500.00</u>
<u>Third Infraction</u>	<u>Not more than \$1,000.00</u>

(2) Each day a person is in violation ~~((must be))~~ is considered a separate infraction.

(3) Each job site at which a person is in violation ~~((must be))~~ is considered a separate infraction.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-425 What if I owe outstanding penalties related to a department issued plumber infraction? The department may deny your application or renewal of your certificate ((of competency)) or endorsement if you owe outstanding penalties. The department must notify you of their denial by registered mail, return receipt requested. This notice of denial will be mailed to the address on your application.

Upon receipt of the notice, you have twenty days to file a notice of appeal with the department. Your notice of appeal must be accompanied by a certified check for two hundred dollars. This amount will be returned to you if the department's decision is not upheld by the hearings officer. If the hearings officer upholds the department's decision, the two hundred dollars ~~((must))~~ will be applied to the cost of the hearing.

The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW.